

Subj:
DK

In the claims:

Please amend the claims as follows:

Please cancel claims 6, 37 and 38.

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1. (Three Times Amended) [A] An in vitro method of enhancing the transcription of a gene in a DNA construct incorporated into the genome of a eukaryotic host cell, said DNA construct comprising a structural gene for a desired protein or polypeptide and a gene promoter upstream of the structural gene, the method comprising the steps of:

- (a) providing upstream of said promoter six copies of an [at least one] enhancer element comprising the nucleotide sequence TTCTGAGAA, and
- (b) exposing the DNA construct to a hormone selected from the group consisting of lactogenic hormones, somatogenic hormones and mixtures thereof;

wherein the enhancer is responsive to both lactogenic hormones and somatogenic hormones.

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5. (Twice Amended) An enhancer element which when used in a DNA construct for transfection of a eucaryotic host cell is responsive to hormonal stimuli, said enhancer element comprising the nucleotide sequence TTCTGAGAA, with the proviso that said nucleotide sequence is not the DNA sequence of the SPI-growth hormone responsive element (SPI-GHRE), and that the enhancer element is responsive to both lactogenic hormones and somatogenic hormones.

Subj:
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8. (Amended) An expression vector comprising a structural gene encoding a desired protein or polypeptide and a promoter, wherein the vector further comprises [at least one] six copies of an enhancer element [including] consisting essentially of the nucleotide sequence TTCTGAGAA, with the proviso that the nucleotide sequence is not the SPI-growth hormone responsive element (SPI-GHRE).

In claim 9, line 2, please replace "thiamine" with --thymidine--

In claim 15, line 1, please replace "claim 6" with --claim 5--.

Sub B6

19. (Amended) [A] An in vitro method of enhancing the transcription of a gene in a DNA construct comprising a structural gene and a promoter upstream of the structural gene, the method comprising providing upstream of the promoter at least one enhancer element consisting essentially of the nucleotide sequence TTCTGAGAA, and exposing the DNA construct to a hormone selected from the group consisting of lactogenic hormones, somatogenic hormones and mixtures thereof.

D5

Sub E7

23. (Amended) An enhancer element responsive to a hormone selected from the group consisting of lactogenic hormones, somatogenic hormones and mixtures thereof when the enhancer element is used in a DNA construct for [transection] transfection of a eukaryotic host cell; wherein the enhancer element [comprises] consists essentially of the nucleotide sequence TTCTGAGAA, with the proviso that the nucleotide sequence is other than the nucleotide sequence of the SPI-GHRE.

D6

25. (Amended) An enhancer element according to claim 24, wherein the hormone is selected from the group consisting of prolactin, placenta lactogen and mixtures thereof, and wherein the enhancer element [comprises] consists essentially of the nucleotide sequence TTCTGAGAA, with the proviso that the nucleotide sequence is other than the nucleotide sequence:
GATCTACGCTTCTACTAATCCATGTTCTGAGAAATCATCCAGTCTGCCCATG.

D8

D9

26. (Amended) An enhancer element according to claim 25, wherein the enhancer element consists [essentially] of the nucleotide sequence TTCTGAGAA.

Sub D10

27. (Amended) An expression vector comprising a structural gene encoding a structural protein, a promoter, and at least one enhancer element [comprising] consisting essentially of the nucleotide sequence TTCTGAGAA, with the proviso that the nucleotide sequence is other than the nucleotide sequence:

~~GATCTACGCTTACTAATCCATGTTCTGAGAAATCATCCAGTCTGCCATG.~~

D11
29. (Amended) An expression vector according to claim 27, [wherein the enhancer element consists essentially of the nucleotide sequence TTCTGAGAA, and further] wherein the enhancer element is responsive to a hormone selected from the group consisting of prolactin, placenta lactogen and mixtures thereof.

E13
D12
34. (Amended) [A] An in vitro method of enhancing the transcription of a gene in a DNA construct comprising a structural gene and a promoter upstream of the structural gene, the method comprising providing upstream of the promoter at least one enhancer element, and exposing the DNA construct to a hormone selected from the group consisting of lactogenic hormones, somatogenic hormones and mixtures thereof; wherein the enhance element [comprises] consists essentially of the nucleotide sequence TTCTGAGAA, with the proviso that the nucleotide sequence is other than the nucleotide sequence:

~~GATCTACGCTTACTAATCCATGTTCTGAGAAATCATCCAGTCTGCCATG.~~

Please add the following claims:

--39. (New) A method according to claim 1, wherein the hormone is selected from the group consisting of growth hormone, prolactin, placenta lacotgen and mixtures thereof.

--40. (New) A method according to claim 39, wherein the hormone is prolactin.--

D13
--41. (New) An in vitro method of enhancing transcription of a structural gene, comprising the steps of:

SubE14

- (a) preparing a plasmid DNA construct comprising a structural gene, a promoter upstream of the structural gene, and at least one enhancer consisting of the sequence TTCTGAGAA upstream of the promoter;
- (b) transfecting a cell with the plasmid DNA construct; and
- (c) exposing the cell to a hormone selected from the group consisting of growth hormone, prolactin and mixtures thereof.--

--42. (New) An in vitro method according to claim 41, wherein the plasmid DNA comprises up to six enhancers.--

--43. (New) An in vitro method according to ~~claim 42~~ claim 43, wherein the hormone is prolactin.--

Sub EIS --44. (New) An isolated DNA construct comprising six repeats of an enhancer, wherein the enhancer consists essentially of the sequence TTCTGAGAA.--

--45. (New) An isolated DNA construct according to claim 44, wherein the enhancer consists of the sequence TTCTGAGAA.--

*D 13
Cont.* --46. (New) An in vitro method of enhancing the transcription of a gene in a DNA construct incorporated into the genome of a eukaryotic host cell, wherein the DNA construct comprises a structural gene and a gene promoter upstream of the structural gene, the method comprising the steps of:

Sub EIS (a) providing upstream of the promoter at least one copy of the nucleotide sequence TTCTGAGAA, and
(b) exposing the DNA construct to prolactin.--

--47. (New) An in vitro method according to claim 46, comprising the step of providing upstream of the promoter multiple copies of the nucleotide sequence TTCTGAGAA.--

--48. (New) An in vitro method according to claim 47, comprising the step of providing upstream of the promoter six copies of the nucleotide sequence TTCTGAGAA.--

REMARKS

The Official Action received in the parent case, application Serial No. 08/963,288, dated November 9, 1999, has been carefully considered. Accordingly, the changes presented herewith, taken with the following remarks, are believed to be sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.